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Paper No. 10

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OFFICE OF PETITIONS

ON PETITION

In re Application of  
Amuah  
Application No. 09/386,834  
Filed: August 31, 1999  
Attny Dckt No.: AND1P246:

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OCT 07 2002  
GROUP 3600

This is a decision on the petition under 37 CFR § 1.183, filed November 27, 2001 requesting extraordinary relief with respect to the requirements of 37 CFR 1.97 in all the applications listed in the accompanying appendix, which is being treated as a petition to waive the requirements of 37 CFR 1.98(a)(2) in any application containing a reference to the Information Disclosure Statement (IDS) submitted in above-identified application.

The petition is **GRANTED** to the extent indicated below.

Petitioner points to the logistic problems arising from complying with 37 CFR 1.98(a)(2) by submitting paper copies of some 136 references cited in the IDS of record herein (listed as appendix B to the petition) in each of approximately 45 other applications (listed as appendix B to the petition). Petitioner proposes to provide triplicate paper copies of the 136 references in the above-identified application, which is considered to be a "holding" application, for storage, and will reference the IDS herein in the other ("bulk") applications, such that the examiner(s) of the bulk applications may refer to the paper copies herein. Petitioner also asserts that each of the bulk filing applications will receive supplemental IDS submissions based on the specific relevancy of the information to a given application.

The USPTO desires to accommodate petitioner's request *vis-a-vis* the approximately 45 other applications mentioned in the petition to the extent that it is able. The delay in treating the petition is regretted, and as such no additional fee for expedited processing is due.

Subject to the conditions set forth below, the copy requirement of 37 CFR 1.98(a)(2) is hereby waived with regard to any IDS listing only information submitted in compliance with 37 CFR 1.97 and 1.98 in the above-identified application for any application containing a reference to the IDS in the above-identified application. Petitioner must include a copy of this decision with the listing

of information (37 CFR 1.98(a)(1)) submitted in any application invoking the waiver granted by this decision.

If any application containing a reference to the IDS in the above-identified application becomes open to public inspection (37 CFR 1.14), confidentiality under 35 U.S.C. § 122 for the above-identified application is considered waived and the above-identified application will also become open to public inspection. Any petition to expunge information in the IDS in the above-identified application must be filed and granted before the above-identified application, or any application containing a reference to the IDS in the above-identified application, becomes open to public inspection.

The waiver granted by this decision terminates on October 1, 2004. The Patent and Trademark Office may also terminate the waiver granted by this decision earlier than October 1, 2004 on notice to petitioner.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-1820.

The application file is being returned to Technology Center AU 2756 for further processing.



Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of

Michel Bowman-Amuah

Application No. 09/386,834

Filed: August 31, 1999

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) Group Art Unit: 2756  
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) Examiner: Not Assigned  
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) Atty. Docket No. 60021-324601  
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) Date: November 27, 2001  
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**GROUP 3600**

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. (703) 308-6916 on November 27, 2001.

Signed: \_\_\_\_\_

Yvonne Mock

**PETITION UNDER 37 CFR 1.183 SEEKING WAIVER OF REQUIREMENTS  
UNDER 37 CFR 1.98(a)(2) AND PETITION FOR ACCELERATED REVIEW OF  
THIS PETITION**

Commissioner for Patents  
Office of Patent Legal Administration  
Mr. Jay Lucas and Mr. Bob Spar  
Washington, D.C. 20231

Dear Sirs:

This is a Petition Under 37 CFR 1.183, requesting relief from the current requirements for Information Disclosure Statements ("IDS") under 37 CFR 1.98(a)(2) in view of the need to file Information Disclosure Statements in multiple related applications. This petition under 37 CFR 1.183 is requesting relief from the §1.98(a)(2) provision which requires filing paper copies of patents, publications, applications, or other information ("references") in each of many related applications where the references are being cited by Petitioner. This is also a Petition for

Accelerated Review of this Petition. Because of the time sensitive nature of filing an IDS, Petitioners respectfully request expedited review and grant of this petition.

37 CFR 1.56(b)(1) requires disclosure to the Office of Information that “establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim...”. Such disclosure can be made by an Information Disclosure Statement (IDS) in the manner prescribed by 37 CFR 1.97 and 1.98. 37 CFR 1.56(a). 37 CFR 1.98(a)(2) requires that any information disclosure statement provide a copy of all patents, publications or other information submitted under 37 CFR 1.97 for consideration by the Office. 37 CFR 1.97 notes that information disclosure statements are considered in regard to the application in which they are filed. 37 CFR 1.183 provides relief for extraordinary situations, when justice requires suspension of any requirement of the regulations which is not a requirement of the statutes.

The instant application filed under 35 U.S.C. 111 is one of about 45 related U.S. applications. A list of the 45 applications is attached as Appendix “A” of the petition. An Information Disclosure Citation List is being submitted herein as Appendix “B” that lists 112 US patent applications, references cited in 15 PCT searches, and 9 other non-patent references including two books, one 750 pages long, for a total of 136 citations.

It is respectfully submitted that it will be extremely burdensome for both Petitioners and the Office if Petitioners are required to comply with the section 37 CFR 1.98(a)(2) requiring that any information disclosure statement provide a copy of all patents, publications or other information submitted under 37 CFR 1.97 for consideration by the Office. Each of the at least 45 related U.S. applications will require duplicate copies of at least 136 citations totaling at least 6,120 references. Of course additional related applications might be filed later and additional references might need to be sited resulting in a total of more than 6,120 references submitted to the Office. The submission of so many copies of references will be a great burden to Petitioners. Additionally, it will be a great burden to the Office to store and to keep track of so many copies of references.

Petitioners therefore request that the §1.98(a)(2) requirement for the submission of a copy of each IDS citation be waived in favor of the following conditions:

1) Application no. 09/386,834, entitled "SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A LEGACY WRAPPER IN A COMMUNICATION SERVICE PATTERNS ENVIRONMENT" filed 08/31/1999, our client/matter number 60021-324601 (AND1P246) (or another of the related patent applications) will be designated by the Office as a "holding" application. Three separate paper copies (three "compendium") of all the references cited will be submitted by Petitioners to the Office and stored in the "holding" application.

2) The remaining related patent applications will be designated as "bulk filing" applications. Petitioners will, in each "bulk filing" application for which waiver of §1.98(a)(2) is desired, refer to the "holding" application, such as by a claim of priority under 35 U.S.C. 120, or as containing related technology. Petitioners will not have to provide separate paper copies of the IDS cited references for the "bulk filing" applications.

3) The information will also be cited in the "holding" application.

**Note:** Petitioners will not be required to cite in each "bulk filing" application every item of information that is cited in the "holding" application. Items will be cited in each bulk filing application on the basis of relevancy and materiality to the particular claims in the bulk filing application and what each piece of information teaches.

A waiver is not requested (for the requirement to supply a paper copy of an IDS citation in another "bulk filing" application) where the citation is not, or has not been, made in the "holding" application.

4) A copy of the Decision on the instant Petition will be filed in each "bulk filing" application for which waiver is requested.

5) Explanatory information related to a particular citation, such as the concise explanation of a foreign language reference under §1.98(a)(2), once submitted in the "holding" application will be supplied in each "bulk filing" application where the citation is made.

- 6) A copy of the Information Disclosure Statement and the Form 1449 (or equivalent) will be filed in each of the “bulk filing” and “holding” applications.
- 7) The Office accepts and specifically reserves the right to terminate the waiver grant in regard to §1.98(a)(2) without provision of reasons but with 30 day notice. In such event, a two month period following the 30 day notice period will be given where the paper copies would have to be supplied in all applications where new citations are made. Should a termination of the waiver be desired by the Office, the Office will provide written notice to the correspondence address of record. Termination by Petitioner for any of the related applications may be made with formal notice and no transition/continuing period after termination is required.
- 8) The grant of the §1.183 petition re §1.98(a)(2) will not indicate that the Office would favorably treat a petition to suspend action under §1.103(a) should the “holding” application be allowed. Issuance of the “holding” application as a patent is not seen to terminate its usefulness either: (1) as a “holding” application for references by examiners working on other related applications, or (2) as a vehicle for the storage of references to be cited even after the patent issues (35 U.S.C. 301, 37 CFR 1.501, and MPEP 2202). For example, the patent file can be kept in the Technology Center for easy reference, or rather than rely upon the patent, either a reference set of paper copies (produced from the three sets of copies to be submitted) could be utilized, or the Office may decide to create Digests from the “compendium”. Should the “holding” application become abandoned, the issue of continued introduction of paper copies of new citations would be taken up at that time. The Office, however, may consider suspending or taking other appropriate action in the “holding” application in the event the “holding” application is allowed, if it is in the best interest of the Office to do so.
- 9) There will be no waiver of any aspects of 37 CFR 1.98 in any application after allowance or final rejection of that application. Submissions after allowance or final rejection must comply with all aspects 37 CFR 1.97 and 1.98 including providing copies of the submissions in the application in which consideration is desired. Alternatively, Petitioners can have the submission considered by filing an RCE or continuation application complying with the conditions of the

Decision resulting from this petition and adding the submission to the "compendium" of the "holding" application.

10) Further applications can be added to the "bulk filing" applications by including a copy of the Decision on the instant Petition and by referring to the "holding" application, such as by a claim of priority under 35 U.S.C. 120, or as containing related technology.

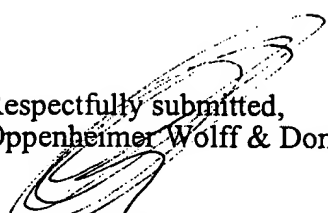
11) Information supplied via the compendium can be updated by filing in the "holding" application 3 copies of additional "compendium" sections including the additional information and by providing additional pages of Information Disclosure Statements and Form 1449 (or equivalent) listing the additional information.

Alternatively, Petitioners' hereby petition for a suspension of rules under 37 CFR. §1.183, in order to submit electronic copies of at least some of the references, in submitting each IDS. Petitioners' preferred electronic format is a CD ROM.

Alternatively, Petitioners hereby petition for a suspension of rules under 37 CFR. §1.183, in order to submit each IDS including only the first page of each cited US Patent reference.

If none of the above proposals are satisfactory, the Petitions Examiner is respectfully requested to approve an alternate plan that will lessen the burden on Petitioners and the Office resulting from the filings of so many references.

The Commissioner is hereby authorized to charge any fees due in connection with the filing of this petition to Deposit Account 02-3964 (Order No. 60021-324601). If any additional fees are due in connection with the filing of this petition, the Commissioner is hereby authorized to charge such fees to Deposit Account 02-3964 (Order No. 60021-324601). A copy of the transmittal is enclosed for these purposes.



Respectfully submitted,  
Oppenheimer Wolff & Donnelly, LLP

Rambod Nader  
Registration No. 47,262

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Telephone: (650) 320-4000

Attachments: Appendix "A" – Form PTO-1449

Appendix "B" – List of Related Cases



APPENDIX B

APP. NO.	FILING DATE	DOCKET NO.	TITLE
09/387,653	31AU1999	AND1P236	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR BASE SERVICES PATTERNS IN A NETCENTRIC ENVIRONMENT
09/386,831	31AU1999	AND1P237	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR AN ABSTRACTION FACTORY IN A BASE SERVICES PATTERN ENVIRONMENT
09/387,086	31AU1999	AND1P238	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A BATCH JOB COMPONENT IN A BASE SERVICES PATTERN ENVIRONMENT
09/386,431	31AU1999	AND1P239	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A PROCESSING PIPELINE IN A BASE SERVICES PATTERN ENVIRONMENT
09/387,658	31AU1999	AND1P240	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR BUSINESS LOG IC SERVICES PATTERNS IN A NETCENTRIC ENVIRONMENT
09/388,022	31AU1999	AND1P241	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR AN ATTRIBUTE DICTIONARY IN A BUSINESS LOGIC SERVICES PATTERNS ENVIRONMENT
09/387,213	31AU1999	AND1P242	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A CONSTANT CLASS COMPONENT IN A BUSINESS LOGIC SERVICES ENVIRONMENT
09/387,642	01SE1999	AND1P243	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR COMMUNICATION SERVICES PATTERNS IN A NETCENTRIC ENVIRONMENT
09/386,430	31AU1999	AND1P244	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A FIXED FORM AT STREAM IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/387,214	31AU1999	AND1P245	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A GLOBALLY ADDRESSABLE INTERFACE IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/386,834	31AU1999	AND1P246	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A LEGACY WRAPPER IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/387,064	31AU1999	AND1P247	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A LOCALLY ADDRESSABLE INTERFACE IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/386,321	31AU1999	AND1P248	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A NULL STRUCTURE IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT

APP. NO.	FILING DATE	DOCKET NO.	TITLE
09/387,874	31AU1999	AND1P249	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR PAGING COMMUNICATION IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/386,239	31AU1999	AND1P250	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A REFRESHABLE PROXY POOL IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/387,070	31AU1999	AND1P251	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A SELF-DESCRIBING STREAM IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/386,717	31AU1999	AND1P252	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR STREAM-BASED COMMUNICATION IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/387,430	31AU1999	AND1P253	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A STRUCTURE-BASED COMMUNICATION IN A COMMUNICATION SERVICES PATTERNS ENVIRONMENT
09/387,072	31AU1999	AND1P254	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR PRESENTATION SERVICES PATTERNS IN A NETCENTRIC ENVIRONMENT
09/387,069	31AU1999	AND1P255	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR AN ACTIVITY COMPONENT IN A PRESENTATION SERVICES PATTERNS ENVIRONMENT
09/386,988	31AU1999	AND1P256	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A USER INTERFACE VALIDATOR IN A PRESENTATION SERVICES PATTERNS ENVIRONMENT
09/387,580	31AU1999	AND1P257	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A VIEW CONFIGURER IN A PRESENTATION SERVICES PATTERNS ENVIRONMENT
09/386,716	31AU1999	AND1P258	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR ENVIRONMENT SERVICES PATTERNS IN A NETCENTRIC ENVIRONMENT
09/388,021	31AU1999	AND1P259	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR AN ASSERTION COMPONENT IN ENVIRONMENT SERVICES PATTERNS
09/386,435	31AU1999	AND1P260	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR DISTRIBUTED GARBAGE COLLECTION IN ENVIRONMENT SERVICES PATTERNS
09/386,434	31AU1999	AND1P261	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR EXCEPTION HIERARCHIES IN ENVIRONMENT SERVICES PATTERNS

APP. NO.	FILING DATE	DOCKET NO.	TITLE
09/387,873	31AU1999	AND1P262	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR AN EXCEPTION RESPONSE TABLE IN ENVIRONMENT SERVICES PATTERNS
09/387,576	31AU1999	AND1P263	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A LOAD BALANCER IN ENVIRONMENT SERVICES PATTERNS
09/386,432	31AU1999	AND1P264	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A POLYMORPHIC EXCEPTION HANDLER IN ENVIRONMENT SERVICES PATTERNS
09/386,989	31AU1999	AND1P265	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A USER CONTEXT COMPONENT IN ENVIRONMENT SERVICES PATTERNS
09/387,071	31AU1999	AND1P266	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR INFORMATION SERVICES PATTERNS IN A NETCENTRIC ENVIRONMENT
09/386,837	31AU1999	AND1P267	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR AN ATTRIBUTE CONVERTER IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT
09/386,888	31AU1999	AND1P268	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A DATA HANDLER IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT
09/387,821	31AU1999	AND1P269	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR INDIVIDUAL PERSISTENCE COMPONENT IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT
09/386,238	31AU1999	AND1P270	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A MULTI-OBJECT FETCH COMPONENT IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT
09/386,714	31AU1999	AND1P271	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A MULTI-OBJECT IDENTIFIERS AS OBJECTS IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT
09/386,322	31AU1999	AND1P272	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR AN OBJECT IDENTITY CACHE IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT
09/388,911	31AU1999	AND1P273	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A PERSISTENT STATE AND PERSISTENT OBJECT SEPARATOR IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT

APP. NO.	FILING DATE	DOCKET NO.	TITLE
09/386,433	31AU1999	AND1P274	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR PIECEMEAL RETRIEVAL IN AN INFORMATION SERVICES PATTERNS ENVIRONMENT
09/387,654	31AU1999	AND1P275	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR TRANSACTION SERVICES PATTERNS IN A NETCENTRIC ENVIRONMENT
09/387,822	31AU1999	AND1P276	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A DEPENDENT REQUEST IN A TRANSACTION SERVICES PATTERNS ENVIRONMENT
09/387,101	31AU1999	AND1P277	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A LUW CONTEXT COMPONENT IN A TRANSACTION SERVICES PATTERNS ENVIRONMENT
09/387,575	31AU1999	AND1P278	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A REQUEST BATCHER IN A TRANSACTION SERVICES PATTERNS ENVIRONMENT
09/386,715	31AU1999	AND1P279	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A REQUEST SORTER IN A TRANSACTION SERVICES PATTERNS ENVIRONMENT
09/387,085	31AU1999	AND1P280	A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR SEPARATE MODELS IN A TRANSACTION SERVICES PATTERNS ENVIRONMENT